

KELLOGG, HANSEN, TODD, FIGEL & FREDERICK, P.L.L.C.

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3215

(202) 326-7900

FACSIMILE:
(202) 326-7999

MILBERG TADLER PHILLIPS GROSSMAN^{LLP}

One Pennsylvania Plaza 19th Floor • New York, NY 10119 • 212.594.5300 • F 212.868.1229 • www.milberg.com

October 11, 2018

Via Electronic Mail

Andi Gulley, Esq.
Gibbs & Bruns LLP
1100 Louisiana
Suite 5300
Houston, TX 77002

Britt M. Miller, Esq.
Mayer Brown
71 South Wacker Drive
Chicago, IL 60606

Re: *In re Dealer Management Systems Antitrust Litigation*, MDL No. 2817

Dear Andi and Britt:

Thank you for your letter yesterday regarding several deposition issues. We can confirm the following:

1. The Beth Ayotte deposition is going forward on October 18. We will have a court reporter and videographer set up at the Mayer Brown office for a start time of 9:00 am. We are aware of an Oct. 3 production which contains custodial documents of Beth Ayotte. Please confirm that all responsive documents for Beth Ayotte have been produced.
2. We will respond on Friday to your Wrobel and Schwartz depo inquiry and all other proposed October and November depositions (which ones will remain, added, or eliminated) so that you can check on availability of witnesses.
3. As to your proposed depositions of Individual and Vendor Class depositions, we would like to discuss with you an idea that Judge Gilbert proposed, which is to depose multiple witnesses for the same party in the same week for efficiency, to minimize burden on all parties, and to make the calendaring of the requested depositions more feasible within the time allotted. For example, instead of flying to California multiple times over multiple weeks, we propose that you depose any MVSC witnesses during the same week. We would propose the same with

respect to Authenticom in Wisconsin, AutoLoop in Florida, and Cox Automotive in Georgia. The schedule would work much more efficiently, and that would help minimize the burden on all parties. As for the actual noticed dates provided by Defendants for the depositions, we would point out that Defendants' prior noticed dates were unreasonable and provided with little lead time.

4. The deposition protocol is attached with our edits in redline. We are available to discuss Thursday or Friday if needed.

As we all are working on providing deponent documents, witness lists, and deposition dates, in order to facilitate the depositions and cooperation by all parties, we propose an in person meeting next week on either Wednesday or Thursday in Chicago. We understand that Thursday conflicts with the Ayotte depo, but the principals from MDL Plaintiffs will be able to attend on Thursday. Shannon McNulty has volunteered to host the meeting at Bob Clifford's office. We believe an in person meeting would greatly facilitate the resolution of many issues. We would be able to discuss the following, including any items you would like to add:

1. Specific witnesses requested by the parties
2. Scheduling those witnesses for depositions, and fleshing out the depo calendar
3. The case calendar, including the dates for expert and summary judgment/Daubert briefing in light of the Court's comments at the hearing on Tuesday
4. Authentication of party and third-party documents
5. Business record certification of party and third-party documents
6. 30(b)(6) depositions and topics
7. Privilege log issues

Very truly yours,

s/ Derek T. Ho
Derek T. Ho

s/ Peggy J. Wedgworth
Peggy J. Wedgworth